IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3028 OF 2006

Trig Guardforce Ltd., Mumbai ...Petitioner
V/s.
State of Maharashtra & Anr. ...Respondents

WITH

WRIT PETITION NO.3072 OF 2006

Trig Detectives Pvt. Ltd. ...Petitioner
V/s.
State of Maharashtra & Anr. ...Respondents

Mr.Rajiv Morey, Advocate, i/b. Mr.R.S. Mishra, Advocate, for the Petitioner.

Mr.A.V. Kumbhakoni, AAG, with Mr.Milind More, AGP, for Respondent No.1 and in support of Notice of Motion.

Ms.Lata Desai, Advocate, i/b. Pallavi Divekar, for Respondent No.2.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 13TH SEPTEMBER, 2007.

P.C. :

1. These two Petitions are filed by the sister companies whose main principal business is to provide private security guards to various establishments. The relief sought in these two petitions against the respondents is that the respondents should nominate controlling authority under Section 3 of the Central Act and frame necessary rules as provided under Section 11 of the said Central Act with further directions to consider the application filed by the two petitioner companies for granting license under the Central Act

and for seeking exemption under the State Act.

2. In view of the affidavit-in-reply filed on behalf of the State that the State has now appointed the controlling authority and has also framed rules as provided under Section 11 of the Central Act, substantive relief sought in the petition has become infructuous. The learned AAG submits that the application filed by the two companies for grant of license and exemption will be disposed of by the controlling authority within a period of three months from today.

3. Insofar as the prayer made by the petitioners relating to seeking a declaration that the impugned notification and black listing order dated 13-7-2006 is illegal, unconstitutional and violates Article 19(1)(g) and Article 14 of the Constitution of India and/or the State Act is concerned and the grievance of the petitioner that while notifying the petitioner companies in the black list no reasons have been given, the petitioners seek idential reliefs as given in case of other parties in several petitions filed before this Court. One of such group of petitions being No.2514 of 2006 which has been disposed of by order dated 19-10-2006 and the reliefs being mainly granted on the ground that no reasons have been given while black listing the parties as required by the proviso to

Section 23. The State would therefore abide by the said order, therefore the impugned order is quashed and set aside and other directions issued by this Court in the group of petitions wherein the lead petition is Writ Petition No.2514 of 2006, the order dated 19-10-2006 would follow :-

> ". Rule. By consent heard forthwith.
>
> 2. After hearing the counsel for the parties and the learned Associate Advocate General, these petitions can be disposed of by issuing the following directions:
>
> (i) The impugned orders in each of the Petitions, in as much as no reasons have been given as required by the proviso to Section 23, are quashed and set aside in respect of those agencies in respect of whom the notifications had not expired.
>
> (ii) The impugned orders in respect of those agencies where period of notifications has expired, as there has been non-compliance with the proviso to Section 23, the same are also null and void. However, as the period has come to an end, there is no need to pass any specific order to quash and set aside the same.
>
> (iii) It will be open to the State Government, if so advised, after giving notice to the petitioners to pass fresh and appropriate orders according to law.
>
> (iv) Needless to say that all contentions are left open for consideration.
>
> (v) Any consequential action taken based on the orders which are now quashed and/or declared to be null and void are also consequently set aside. It is, however, made clear that after hearing the parties, if the Government passes an order and issues further

directions, that will be subject to the independent challenge by the persons who are aggrieved.

(vi) It will be open to the State Government to issue appropriate show cause notices within four weeks from today and to complete the procedure thereafter within eight weeks.

3. Rule made absolute accordingly. No order as to costs.

Sd/- Sd/-

(F.I. Rebello, J.) (Anoop V. Mohta, J.)"

4. We, therefore, dispose of these petitions with a direction that till the controlling authority takes a decision in the matter of the application filed by the petitioner companies for grant of lincese and seeking exemption, the respondent would not take any coerceive action against them. These two Writ Petitions stand disposed of accordingly.

[A.A. SAYED, J.] **[J.N. PATEL, J.]**